

REMARKS**Summary of the Office Action**

Claims 5, 7, 8, and 10-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Jones et al. (US 2003/0163616).

Claims 6, 9, and 14-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones et al. in view of Yi et al. (US 2003/0117549).

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones et al. in view of Yi et al. and Trapani et al. (US 2003/0002154).

Applicants wish to thank the Examiner for the indication that claims 1-4 are allowed.

Summary of the Response to the Office Action

Applicants have amended claims 5, 8, and 12 to further define the invention. Accordingly, claims 1-17 are pending for consideration.

All Claims Define Allowable Subject Matter

Claims 5, 7, 8, and 10-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Jones et al. (US 2003/0163616). Applicants respectfully traverse this rejection for the following reasons.

Independent claims 5 and 12, as amended, both recite a liquid crystal display device including, in part, a polarizing film that “is parallel to the transparent insulating substrate.” Similarly, independent claim 8, as amended, recites a method of fabricating a liquid crystal display device including, in part, a step of “forming a polarizing film on an upper surface of the color filter layer,” wherein “the polarizing film that is parallel to the transparent insulating substrate.”

In contrast to Applicants' claimed invention, Jones et al. fails to teach or suggest that the primary polarizer 17 is parallel to the transparent substrate 29. Moreover, according to the process and resulting structure, Applicants respectfully assert that the primary polarizer is not formed to be parallel to the transparent substrate 29 since each of the color filters 23, 25, and 27 and the black matrix portions 21 cause the primary polarizer to have a non-planar structure with regard to the transparent substrate 29.

Thus, Applicants respectfully assert that Jones et al. fails to teach or suggest a polarizing film that "is parallel to the transparent insulating substrate," as recited by amended independent claims 5, 8, and 12, and hence dependent claims 6, 7, 9-11, 13, and 14.

Claims 6, 9, and 14-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones et al. in view of Yi et al. (US 2003/0117549), and claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones et al. in view of Yi et al. and Trapani et al. (US 2003/0002154). Applicants respectfully traverse these rejections for at least the following reasons.

The present application was filed on September 30, 2003, and therefore is governed by 35 U.S.C. § 103(c), as revised on November 29, 1999. Yi et al. is only proper prior art under 35 U.S.C. § 102(e) since it was published less than a year before the filing date of the present application and after the date of the invention for the present application. In addition, the subject matter of the Yi et al. and the present invention were, at the time the invention was made, commonly owned by LG.Philips LCD Co., Ltd. of Seoul, Korea. Accordingly, the disclosure of Yi et al. cannot preclude patentability of the present invention under 35 U.S.C. § 103(c).

Therefore, the rejection of claims 6, 9, and 14-17 in view of Yi et al. is not proper, and therefore must be withdrawn.

For at least the above reasons, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(c) should be withdrawn because Jones et al. fails to teach or suggest the novel combination of features recited in amended independent claims 5, 8, and 12, and hence dependent claims 6, 7, 9-11, 13, and 14, and Yi et al. cannot preclude patentability of claims 6, 9, and 13-17.

CONCLUSION


In view of the foregoing, Applicants respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under

37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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